U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

FILED 2008 APR 22 AM 8:50 CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY RM DEPUTY

PLAINTIFF ESAU ROGERS	COURT CASE NUMBER CV 07-2010-W (JMA)
DEFENDANT ALAN HERNANDEZ, Associate Warden (A)	TYPE OF PROCESS Civil Action Summons

SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Alan Hernandez, Associate Warden (A)

AT ADDRESS *(Street or RFD, Apartment No., City, State and ZIP Code)*
Centinela State Prison, 2302 Brown Road, Imperial, CA 92251-0731

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Esau Rogers, P-54800
D3-123L
P.O. Box 931
Imperial, CA 92251-0931

Number of process to be served with this Form - 285	-1-
Number of parties to be served in this case	-7-
Check for service on U.S.A.	N/A

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE *(Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):*

Fold Fold

Defendant is an employee of the California Department of Corrections and Rehabilitation

RECEIVED 2008 MAR 18 A 1: U.S. MARSHAL SOUTHERN DISTRICT OF CALIFORNIA

Signature of Attorney or other Originator requesting service on behalf of:		TELEPHONE NUMBER	DATE
Esau Rogers	☒ PLAINTIFF ☐ DEFENDANT	N/A	03-16-08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. *(Sign only first USM 285 if more than one USM 285 is submitted)*	Total Process	District of Origin No.	District to Serve No.	Signature of Authorized USMS Deputy or Clerk	Date
	1	98	98	A Scott	3/18/08

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above *(See remarks below)*

Name and title of individual served *(if not shown above)*	☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address *(complete only if different than shown above)*	Date of Service / Time am pm
	Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges *(including endeavors)*	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund

REMARKS: 3/18/08 - mailed 3&C
04/21/08 - Recd waiver of service. Copy to court and plaintiff

PRIOR EDITIONS MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

Waiver of Service of Summons

RECEIVED
MARSHAL
SOUTHERN DISTRICT OF
CALIFORNIA

2008 APR 21 P 1:59

To: United States Marshal

I, acknowledge receipt of your request that I waive service of a summons in the action of Esau Rogers, which is case number 07CV2010 in the United States District Court for the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with a judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after March 18, 2008, or within 90 days after that date if the request was sent outside the United States.

Date: 4/17/08

Signature

Printed/Typed Name: **Stephen A. Aronis**
[as Deputy Attorney General]
[of the Office of the Attorney General]

Attorneys for A. Hernandez, Defendant

Defendant hereby waives personal service of this complaint pursuant to rule 4(d) of the Federal Rules of Civil Procedure

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the costs of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A Defendant who waives service must within the time specified on the waiver form serve on the Plaintiff's attorney (or unrepresented Plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that Defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.